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GYBB Recycling, LLC; Benny Yamagata;
GY General Industries, LLC; Cory Roberts; and
Yamagata Enterprises Family Office, LLC

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

* * *

3500-3675 PROCYON LLC, a Delaware
limited liability company,

Plaintiff,

vs.

BB RECYCLING, INC., a Nevada
corporation; GYBB RECYCLING, LLC, a
Nevada limited liability company; BERT
BORS, an individual; CORY ROBERTS, an
individual; BENNY YAMAGATA, an
individual; GY GENERAL INDUSTRIES,
LLC, a Nevada limited liability company;
YAMAGATA ENTERPRISES FAMILY
OFFICE, LLC, a Nevada limited liability
company; and DOES 1 through X, inclusive;
and ROE BUSINESS ENTITIES XI through
XX, inclusive,

Defendants.

Case No.: 2:18-cv-01665-APG-GWF

**STIPULATION, REQUEST AND ORDER
EXTENDING TIME TO ANSWER OR
OTHERWISE RESPOND TO PLAINTIFF'S
COMPLAINT (Third Request)**

Defendants GYBB RECYCLING, LLC; CORY ROBERTS; BENNY YAMAGATA;
GY GENERAL INDUSTRIES, LLC; and YAMAGATA ENTERPRISES FAMILY OFFICE,
LLC (collectively the "GYBB Defendants") and Plaintiff 3500-3675 PROCYON, LLC, by and
through their respective counsel, hereby respectfully submit this Stipulation, Request and Order
Extending Time to Answer or Otherwise Respond to Plaintiff's Complaint (the "Stipulation").
This Stipulation is made in accordance with LR IA 6-1, LR IA 6-2, and LR 7-1 of the Local

1 Rules of this Court. This is the third request for an extension of time to file an answer or
2 otherwise respond to Plaintiff's Complaint.

3 The GYBB Defendants accepted service of Plaintiff's Complaint on September 26,
4 2018. The GYBB Defendants' responsive pleading was originally due October 26, 2018. The
5 parties have agreed and still agree to discuss settlement and stipulated to extend the deadline for
6 the GYBB Defendants to prepare a responsive pleading to Plaintiff's Complaint to November 9,
7 2018 (first extension). For good cause, the parties then requested and the Court granted a second
8 extension up to and including December 10, 2018, for the GYBB Defendants to file an answer
9 or otherwise respond to Plaintiff's Complaint.

10 Since the time the second extension was granted and with the factual history involved
11 and the claims and parties at hand, it has proven more difficult and time-consuming than was
12 expected for the parties to fully analyze and consider a settlement. The parties hereby stipulate
13 that the GYBB Defendants shall have another extension, from December 10, 2018, to January
14 10, 2019, to file an answer or otherwise respond to Plaintiff's Complaint. Additionally, the
15 GYBB Defendants just discovered a mistake in the failure to previously include Cory Roberts in
16 the previous extensions requested and granted for the GYBB Defendants' deadline to respond to
17 the Complaint. There was always an intent to include Mr. Roberts for purposes of the
18 extensions. We are therefore hereby adding Mr. Roberts to this Stipulation, Request and Order
19 Extending Time to Answer or Otherwise Respond to Plaintiff's Complaint.

20 Upon agreement by and between all the parties hereto as set forth herein, the GYBB
21 Defendants therefore respectfully request that this Court grant an extension of time, up to and
22 including January 10, 2019, for the GYBB Defendants to file an answer or otherwise respond to
23 Plaintiff's Complaint. By entering into this Stipulation, none of the parties waive any rights they

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1 have under statute, law or rule with respect to Plaintiff's Complaint or responding to the same.

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3 DATED this 6th day of December, 2018.

DATED this 6th day of December, 2018.

4 KEMP, JONES & COULTHARD, LLP

ALBRIGHT, STODDARD,
WARNICK & ALBRIGHT

5
6 /s/ Mark M. Jones

/s/ D. Chris Albright

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12 *GYBB Recycling, LLC; Benny Yamagata;*
13 *GY General Industries, LLC; Cory Roberts;*
14 *and Yamagata Enterprises Family Office, LLC*

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ORDER

IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE

Dated: 12-7-2018